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BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:)	No. 1D 2004 63990
)	
ARNEL SITCHON)	
1871 Guadalupe)	ACCUSATION
South Lake Tahoe, CA 96150)	
)	
Physical Therapy License No. PT 21963)	
)	
Respondent.)	

Complainant alleges:

PARTIES

1. Steven K. Hartzell ("Complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about October 25, 1996, the Physical Therapy Board issued Physical Therapy Assistant License Number PT 21963 to Arnel Sitchon ("Respondent"). The Physical Therapy License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2006, unless renewed.

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3. This Accusation is brought before the Physical Therapy Board ("Board"),

The board shall issue, suspend, and revoke licenses and approvals to practice al therapy as provided in this chapter.

The board may, after the conduct of appropriate proceedings by the examining committee under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon, or issue subject to terms and conditions any license, certificate, or approval issued under this chapter for any of the following causes:

(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

(h) Gross negligence in his or her practice as a physical therapist or physical therapy assistant.

(1) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist.

7. Section 2661.5 of the Code provides in pertinent part that in any order issued in connection with the resolution of a disciplinary proceeding before the Board, the Board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay

1 to the Board a sum not to exceed the actual and reasonable costs of the investigation and
2 prosecution of the case.

3 **FIRST CAUSE FOR DISCIPLINE**
4 **(Unprofessional Conduct and Sexual Misconduct)**
5 **[Bus. & Prof. Code §§ 2660 and 726]**

6 **Patient J.R.**

7 8. On August 27, 2004, J.R. reported to the South Lake Tahoe Police Department
8 that she had been seen for a physical therapy treatment that same day by respondent Sitchon at the
9 Gallanty Physical Therapy Clinic in South Lake Tahoe, California.

10 9. During that physical therapy treatment, J.R., an 18 year old woman, became
11 concerned when she heard noises coming from respondent that sounded like respondent was
12 masturbating. J.R. was lying on her stomach on the treatment table with her face placed in a notch
13 at the head of the table, which prevented her from seeing respondent's actions.

14 10. At one point in the treatment, a knock came at the door. As respondent
15 answered the door, wedging the door against his inner thigh which shielded his lower body from the
16 view of the visitor at the door, J.R. looked up and could see respondent's erect penis protruding from
17 his pants.

18 11. Feeling shocked and unsure of what to do, J.R. did not react to what she had
19 seen as respondent came back to the table to continue treatment.

20 12. J.R. felt respondent's penis brush against her hand and felt him put his penis
21 in the bend of her knee as she remained lying face down on the table.

22 13. When respondent finished and eventually left the treatment room, J.R. noticed
23 that there was a wet area on the floor by the table. The South Lake Tahoe police took samples of the
24 wet spot that appeared to be semen and sent the swabs for DNA testing. When asked if the semen
25 on the floor of the room was his, respondent answered, "It shouldn't be." When asked later to
26 confirm his statement about the semen, respondent replied, "I don't think it's mine."

27 14. Respondent's conduct as set forth above constitutes unprofessional conduct
within the meaning of sections 2660 and 726 of the Code and is therefore grounds for discipline.

SECOND CAUSE FOR DISCIPLINE
(Gross Negligence)
[Bus. & Prof. Code § 2660(h)]

15. Complainant realleges paragraphs 8 through 13 above as if fully set forth herein.

16. Respondent's conduct as set forth above constitutes gross negligence within the meaning of section 2660(h) of the Code and is therefore grounds for discipline.

THIRD CAUSE FOR DISCIPLINE
(Unprofessional Conduct and Sexual Misconduct)
[Bus. & Prof. Code §§ 2660 and 726]

17. On September 3, 2004, a 25 year old woman named D.B. contacted the South Lake Tahoe Police Department after hearing of the allegations made against respondent by J.R.

18. D.B. had seen respondent for physical therapy approximately six times during November, 2003.

19. During these sessions, D.B. became concerned that, while she was unable to see because she was face down on the treatment table, respondent would be masturbating.

20. On one occasion, she heard respondent's zipper and she glanced over to see that his zipper was down. D.B. also felt what she believed to be respondent's penis brush up against her hand.

21. D.B. became so uncomfortable that she made up an excuse to discontinue treatment with respondent.

22. Respondent's conduct as set forth above constitutes unprofessional conduct and sexual misconduct within the meaning of sections 2660 and 726 of the Code and is therefore grounds for discipline.

FOURTH CAUSE FOR DISCIPLINE
(Gross Negligence)
[Bus. & Prof. Code § 2660(h)]

23. Complainant realleges paragraphs 17 through 21 above as if fully set forth herein.

24. Respondent's conduct as set forth above constitutes gross negligence within

1 the meaning of section 2660(h) of the Code and is therefore grounds for discipline.

2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein
4 alleged, and that following the hearing, the Physical Therapy Board issue a decision:

5 1. Revoking or suspending Physical Therapy Assistant License Number PT-
6 21963, issued to Arnel Sitchon;

7 2. Ordering Arnel Sitchon to pay the Physical Therapy Board the reasonable
8 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
9 section 2661.5;

10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: November 8, 2004.

12 Original Signed By :
13 STEVEN K. HARTZELL
14 Executive Officer
15 Physical Therapy Board of California
16 Department of Consumer Affairs
17 State of California
18 Complainant
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